

In the United States Patent and Trademark Office

Serial Number: 10/729157
Application. Filed: December 8, 2003
Applicant: Kia Silverbrook
Application Title: A PRINthead ASSEMBLY FOR A PRINT ON DEMAND DIGITAL
CAMERA SYSTEM
Examiner/GAU: Lin Ye 2622
Dated: July 26, 2007
At: Balmain, NSW
Docket No. ZF190US

REPLY

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

The Office Action of May 14, 2005 has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

Claim Rejections – 35 USC § 103

The Examiner has rejected claims 1 to 11 as being unpatentable over Suzuki (US Patent No 5,847,836) in view of Duffield et al (US Patent No 4,432,005).

The Applicant respectfully disagrees with the Examiner's conclusion that the claims are unpatentable over Suzuki in view of Duffield et al.

Firstly, it is apparent that although Suzuki is an analogous art to the currently claimed printhead assembly, Duffield et al is not an analogous art.

The Applicant highlights MPEP 2141.01(a)I. which states:

"The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is